



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

RECEIVED

Food and Drug Administration
Rockville MD 20857

93 AUG 24 PM 4:33

AUG 20 1993

DEF. OF PATENTS
COMMISSIONER FOR PATENTS
Re: Zebeta®
Docket No. 92E-0427

Charles E. Van Horn
Patent Policy and Projects Administrator
Office of the Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Crystal Park Building 2, Suite 919
Washington, DC 20231

#19

Dear Mr. Van Horn:

This is in regard to the patent term extension application for U.S. Patent No. 4,258,062 filed by E. Merck GmbH under 35 U.S.C. § 156. The patent claims the human drug product Zebeta® (bisoprolol fumarate), NDA 19-982.

In the February 9, 1993, issue of the Federal Register (58 Fed. Reg. 7,789), the Food and Drug Administration published its determination of this product's regulatory review period, as required under 35 U.S.C. § 156(d)(2)(A). The notice provided that on or before August 9, 1993, 180 days after the publication of the determination, any interested person could file a petition with FDA under 35 U.S.C. § 156(d)(2)(B)(i) for a determination of whether the patent term extension applicant acted with due diligence during the regulatory review period.

The 180-day period for filing a due diligence petition pursuant to this notice has expired and FDA has received no such petition. Therefore, FDA considers the regulatory review period determination to be final.

Please let me know if we can provide further assistance.

Sincerely yours,

Ronald L. Wilson
Director
Health Assessment Policy Staff
Office of Health Affairs

cc: Harry B. Shubin
Millen, White & Zelano, P.C.
Arlington Court House Plaza I
2200 Clarendon, Suite 1201
Arlington, VA 22201